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THE LAW OFFICES OF SEAN M. MAHER, PLLC

March 31, 2020

VIA ECF

Hon. Nelson S. Román United States District Judge United States Courthouse 300 Quarropas Street White Plains, New York 10601

Re: <u>United States v. Owens et al., (Rahiem Miller),</u>

17 Cr. 506 (NSR) - 07

Dear Judge Román:

On behalf of defendant Mr. Rahiem Miller, I respectfully write to request that the Court order the Bureau of Prisons ("BOP") to release to counsel (i) Rahiem Miller's medical records and (ii) any information regarding his status as a "high-risk" inmate. I have been notified by the Federal Public Defenders Office that the BOP has identified Mr. Miller as "high risk" for serious illness from COVID-19 under the Center for Disease Control's definition of the term. Mr. Miller has previously signed a HIPAA release during his Probation interview with undersigned counsel present. Judge Garaufis in the Eastern District of New York recently granted a similar motion in *United States v. Raniere*, 18 Cr. 204 (NGG), Doc. No. 864. Exhibit A.

As the Court is aware, people detained in the MDC as well as other federal, state, and city jails and prisons in New York are testing positive for COVID-19. The latest information is that one detainee and five staff members have tested positive at the MDC.

The Court's consideration of this urgent matter is greatly appreciated.

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cc: All counsel via ECF

BOP directed to release Deft. Miller's information Respectfully submitted as stated above to his
Sean M. Maher Counsel by April 3, 2020. Clerk of the Court regrested to terminate the motions (does Counsel for Rahiem Miller
Dated: March 31, 2020 WhitePlains, NY UNITED STATES DISTRICT JUDGE

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Exhibit A

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK UNITED STATES OF AMERICA,

-against-

KEITH RANIERE,

ORDER 18-CR-204-1 (NGG)

Defendant.

NICHOLAS G. GARAUFIS, United States District Judge.

By letter dated March 26, 2020, Defendant Keith Raniere moves this court for an order directing the Bureau of Prisons to release to his counsel Mr. Raniere's institutional medical records as well as any records related to the Bureau of Prisons' alleged designation of Mr. Raniere as "high-risk" in regard to the ongoing COVID-19 pandemic. (*See* Raniere Letter Mot. (Dkt. 863).) In the letter, Mr. Raniere's counsel also describes difficulties they have encountered in arranging legal calls with Mr. Raniere. (*See id.*)

Mr. Raniere's motion is GRANTED. The Bureau of Prisons is DI-RECTED to release to Mr. Raniere's counsel by no later than 3:00 pm on Monday, March 30, 2020: (1) Mr. Raniere's complete medical records from the time he entered into the custody of the Bureau of Prisons to the present, and (2) any documents or other records relating to the Bureau of Prisons' designation of Mr. Raniere as "high-risk" in regard to the ongoing COVID-19 pandemic.

Counsel for the Government is further DIRECTED to communicate with the Bureau of Prisons regarding Mr. Raniere's efforts to speak with his counsel and use best efforts to facilitate those communications.

Counsel for the Government shall submit a letter to the court providing a status update on Mr. Raniere's ability to speak with his counsel by no later than 3:00 pm on Monday, March 30, 2020.

SO ORDERED.

Dated: Brooklyn, New York

March 27, 2020

/s/ Nicholas G. Garaufis
NICHOLAS G. GARAUFIS
United States District Judge